

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC ESSHAKI, as candidate for
United States Congress and in his
individual capacity,

Plaintiff,

No. 2:20-cv-10831

Hon. Terrence G. Berg

Mag. Judge Elizabeth A. Stafford

v

GRETCHEN WHITMER, Governor of
Michigan, JOCELYN BENSON,
Secretary of State of Michigan, and
JONATHAN BRATER, Director of the
Michigan Bureau of Elections, in their
official capacities,

Defendants.

_____/

**AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN'S
MOTION FOR LEAVE TO FILE AN AMICUS CURIAE BRIEF**

The American Civil Liberties Union of Michigan (“ACLU”) seeks leave to
file an amicus curiae brief. In support of this motion, the ACLU states as follows:

1. The American Civil Liberties Union of Michigan (“ACLU”) is the
Michigan affiliate of a nationwide, nonpartisan organization with over a million
members dedicated to protecting the rights guaranteed by the United States
Constitution.

2. The ACLU has long been committed to protecting the right to vote,
ballot access, the freedom to petition, and other rights vital to a healthy and robust

democracy. *See, e.g., U.S. Student Found. Ass’n v. Land*, 585 F. Supp. 2d 925 (E.D. Mich. 2008) (granting preliminary injunction against election officials’ practice of purging voters from the qualified voter file in violation of the National Voter Registration Act), *stay denied*, 546 F.3d 373 (6th Cir. 2008); *Green Party of Mich. v. Land*, 541 F. Supp. 2d 912 (E.D. Mich. 2008) (concluding that the statute which required the Michigan Secretary of State to provide to the chairpersons of the two major political parties a file containing all of the political party preference declarations of person who voted in a presidential primary violated the equal protection rights of minor political parties); *Moore v. Johnson*, No. 14-11903, 2014 WL 2171097 (E.D. Mich. May 23, 2014) (striking down requirement that circulators of petitions to place candidate on the ballot be residents of the candidate’s district); *In re Request for Advisory Opinion Regarding Constitutionality of 2018 PA 368 & 369*, 928 NW2d 911 (Mich. 2019); *Citizens Protecting Michigan’s Constitution v Secretary of State*, 921 NW2d 247 (Mich. 2018); *Stand Up for Democracy v Secretary of State*, 822 NW2d 159 (Mich. 2012); *Socialist Workers Party v Secretary of State*, 317 NW2d 1 (Mich. 1982); *Phillips v. Snyder*, 836 F.3d 707 (6th Cir. 2016).

3. This case raises important issues surrounding ballot access and the right to vote in the midst of the COVID-19 pandemic.

4. The ACLU believes that, given its expertise and history of advocacy around issues involving constitutional law, voting rights, and democracy, its amicus curiae brief will be of assistance to the Court.

5. The ACLU's proposed amicus curiae brief accompanies this motion.

6. Pursuant to Local Rule 7.1, undersigned counsel sought concurrence in this motion to file an amicus brief on April 12, 2020 via email. On April 13, 2020, counsel for defendants responded that she did not oppose the motion. Counsel for plaintiff did not respond.

For these reasons, ACLU requests that this Court grant leave to file an amicus curiae brief, and accept the accompanying brief as filed.

Respectfully submitted,

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pursuant to L.R. 83.21

Attorneys for Proposed Amicus Curiae

Dated: April 14, 2020

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2020, I filed this document using the ECF system, which will send electronic notice of this filing to all counsel of record.

/s/ Daniel S. Korobkin
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